

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RENÉ QUIÑONEZ and
MOVEMENT INK LLC,

Plaintiffs,

v.

DOES 1 through 5, United States Postal
Service and United States Postal Inspection
Service officials in their individual capacities,

Defendants.

Case No. 3:22-cv-3195-WHO

**STIPULATED REQUEST TO FILE
FIRST AMENDED COMPLAINT**

Judge: Hon. William H. Orrick

Plaintiffs and the United States respectfully stipulate under Federal Rule of Civil Procedure 15(a)(2) and Local Rule 7-12 that Plaintiffs may file a First Amended Complaint containing the amendments set forth below. Pursuant to Local Rule 10-1, Plaintiffs' First Amended Complaint is being filed simultaneously with this stipulation.

Should the Court require its leave for Plaintiffs to file the First Amended Complaint, Plaintiffs respectfully request that the Court "freely give leave" because "justice so requires," Fed.

1 R. Civ. P. 15(a)(2), for the following reasons: Plaintiffs recently obtained the names of the
2 previously unnamed Doe defendants, on September 2, 2022; the time for Plaintiffs to bring a claim
3 under the Federal Tort Claims Act recently accrued, on September 12, 2022; the Court previously
4 granted case management adjustments based on Plaintiffs' anticipated filing of an amended
5 complaint, *see* ECF 27, 29; and the United States does not object to Plaintiffs' proposed
6 amendments.

7 Plaintiffs and the United States stipulate that Plaintiffs may amend their Complaint (ECF 1)
8 to include:

9 1. Named individuals as Defendants, originally named as "Does 1 through 5," and the
10 acts alleged to have been committed by each of those individuals;

11 2. The United States of America as a Defendant with respect to claims arising under the
12 Federal Tort Claims Act; and

13 3. An allegation related to the six-month agency exhaustion requirement under the
14 Federal Tort Claims Act.

15 Plaintiffs and the United States further stipulate that any responsive pleading by the United
16 States or a named individual defendant shall be due 30 days after service of the Amended Complaint
17 on all defendants pursuant to Rule 4 of the Federal Rules of Civil Procedure.

18 Plaintiffs and the United States further stipulate that the motion to dismiss filed by the United
19 States (ECF 25) will be moot upon the filing of the Amended Complaint.

20 This stipulation is not intended to waive and does not waive any defenses on behalf of any
21 defendant, including but not limited to any defense that may be raised under Rule 12 of the Federal
22 Rules of Civil Procedure. The stipulated request to file and Plaintiffs' request in the alternative for
23 leave to file are supported by the accompanying declaration by Plaintiffs' counsel.

United States District Court
Northern District of California

Dated: September 21, 2022

s/ Jaba Tsitsuashvili

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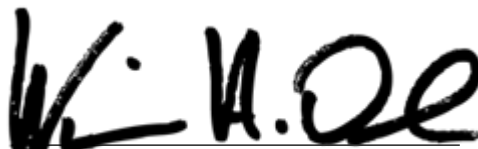
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Counsel for the United States

***Pursuant to Civ. L.R. 5-1(h)(3), the filer of
the document has obtained approval from
this signatory.*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 23, 2022



Hon. William H. Orrick United
States District Court Judge